

REMARKS

Claims 12, 13, 15, 16, 18, 19, 21, and 22 have been pending in this application. Claims 12, 15, 18, and 21 are canceled. Claim 13 is amended to more clearly define the subject matter. Descriptive support for the amendment to claim 13 can be found in Paragraph [001] of the specification.

In the prior Office Action, claims 13, 16, 19, and 22 were rejected as being inherently anticipated by WO 99/22728 (Liao et al.). Applicants respectfully traverse these rejections. Claim 13 is directed to a method of reducing visceral fat by the use of curcumin or curcuminoid composition in a subject “suffering from type-II diabetes mellitus, hyperinsulinemia, dyslipidemia, hypertension, and/or arteriosclerotic cardiovascular disease.” Claim 13 also recites that the composition is administered “with the intention of reducing visceral fat in said subject.”

1. Liao Does Not Describe the Disease Conditions Recited in Claim 13

*Liao* describes the use of its compounds for the “treatment of prostatic hyperplasia, prostatic cancer, hirsutism, acne, male pattern baldness, seborrhea, and other diseases related to androgen hyperactivity” (p. 4, Ins. 29-30); and the “treatment of abnormalities such as obesity, BPH, prostate cancer, skin diseases, baldness, breast tumors, and hirsutism, which are related to lipid synthesis, body weight, and/or androgen function” (p. 7, Ins. 5-7).

*Liao* does not describe the treatment of type-II diabetes mellitus, hyperinsulinemia, dyslipidemia, hypertension, and/or arteriosclerotic cardiovascular disease. For at least these reasons, Applicants respectfully submit that *Liao* does not anticipate claims 13, 16, 19, and 22.

2. Liao Does Not Describe the Use of Curcumin for Reducing Visceral Fat

The court has stated in *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir 1999): “[a]n invitation to investigate is not an inherent disclosure” where a prior art reference “discloses no more than a broad genus of potential applications of its discoveries.”

*Liao* describes numerous compounds (more than 100 listed in Tables 1-7) without specifying which of the numerous compounds listed are to be used for the various applications.

With respect to organ and body weight loss, *Liao* simply states that “[a] compound of this invention can be used to decrease organ and body weight” (p. 12, lines 4-5). Also, it makes no mention of whether body weight is decreased by the reduction of fluid mass, muscle mass, bone mass, or adipose mass. Furthermore, with respect to adipose mass, it makes no mention of whether subcutaneous fat, or abdominal visceral fat, or both are involved. Specifically, *Liao* does not mention that curcumin could be used to reduce visceral fat. The decrease in “organ and body weight” disclosed in *Liao* could be a decrease in fluid mass, muscle mass, bone mass, or subcutaneous adipose mass.

At most, *Liao* is simply an invitation to investigate the use of its numerous compounds (more than 100 in total) for the various potential applications. It does not inherently disclose the use of curcumin or curcuminoid compositions for the reduction of visceral fat as recited in claim 13. In addition, the numerous compounds of *Liao* are not administered “with the intention of reducing visceral fat in said subject.” For at least these reasons, Applicants respectfully submit that *Liao* does not anticipate claims 13, 16, 19, and 22.

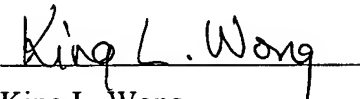
CONCLUSION

Applicants respectfully submit that the present application is now in condition for allowance. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of this application.

In case the filing of this paper is deemed not timely, Applicants petition for an appropriate extension of time. The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

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